

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILHY HARPO,

Plaintiff,

v.

1:15-cv-262-WSD

DJ MORTGAGE, LLC, et al.

Defendants.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge E. Clayton Scofield's Final Report and Recommendation [6] ("R&R"), recommending dismissal of this action for failure to comply with a lawful order of the Court.

On March 31, 2015, the Magistrate Judge required Plaintiff Wilhy Harpo ("Plaintiff") to, within fourteen days, pay the required filing fee or to submit a new application to proceed *in forma pauperis* to correct deficiencies in Plaintiff's original application. ([2] (the "March 31st Order"). The Court warned Plaintiff that failure to comply will result in dismissal of this case.

The March 31st Order was mailed to Plaintiff, and the mail was returned as undeliverable. ([3], [4]). Plaintiff failed to submit anything in response to the Court's Order, and the deadline for compliance passed. On May 21, 2015, the

Magistrate Judge issued his R&R. The Magistrate Judge recommended dismissal of this action for failure to comply with a lawful order of the Court.

The R&R was mailed to Plaintiff, and the mail was returned as undeliverable. ([8]). Plaintiff did not file any objection to the R&R, and has not otherwise responded to it.

Under Local Rule 16.5, “[f]ailure to comply with the court’s pretrial instructions may result in the imposition of sanctions, including dismissal of the case or entry of a default judgment.” LR 16.5, NDGa. Further, under Local Rule 41.3(A)(2), “[t]he court may, with or without notice to the parties, dismiss a civil case for want of prosecution if: . . . [a] plaintiff . . . shall, after notice, . . . fail or refuse to obey a lawful order of the court in the case.” LR 41.3(A)(2), NDGa.

The Local Rules also provide that a *pro se* party’s failure to “keep the clerk’s office informed of any change in address . . . which causes a delay or otherwise adversely affects the management of the case shall constitute grounds . . . for dismissal of the action without prejudice.” LR 41.2(C).

The Court finds no plain error in the Magistrate Judge’s recommendation that this action be dismissed for failure to comply with a lawful order of the Court. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). Dismissal also is


warranted under Local Rule 41.2(C) for Plaintiff's failure to inform the clerk of Plaintiff's current address.

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge E. Clayton Scofield's Final Report and Recommendation [6] is **ADOPTED**.

IT IS FURTHER ORDERED this action is **DISMISSED WITHOUT PREJUDICE** for failure to comply with a lawful order of the Court pursuant to Local Rule 41.3(A)(2), and for failure to inform the Clerk of Plaintiff's current address pursuant to Local Rule 41.2(C).

SO ORDERED this 22nd day of March, 2016.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE